

inadequate class representative without first making a specific finding that the would-be intervenors would be inadequate representatives as well."); *Alidina v. Penton Media, Inc.*, 143 F. Supp. 2d 363, 365-67 (S.D.N.Y. 2001) (certifying a class in a securities action where intervener, despite belated appearance in action, was proper class representative who would fairly and adequately protect interests of proposed class).

III. CONCLUSION

For the foregoing reasons, movant William F. Gruenke respectfully requests that his motion to intervene be granted.

Dated: October 17, 2003

s/Richard S. Wayne
Richard S. Wayne Attorney Bar Number 0022390
s/William K. Flynn
William K. Flynn Attorney Bar Number 0029536
STRAUSS & TROY
150 East Fourth Street
Cincinnati, OH 45202-4018
Telephone: 513/621-2120
email: rswayne@strausstroy.com
email: wkflynn@strausstroy.com

MILBERG WEISS BERSHAD HYNES
& LERACH LLP
William S. Lerach
Helen J. Hodges
Edward P. Dietrich
Scott H. Saham
Tricia L. McCormick
401 B Street, Suite 1700
San Diego, CA 92101
(619) 231-1058 – telephone
(619) 231-7423 – facsimile

Lead Counsel for Plaintiffs

45688.855. 413058.1